## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

| CHRIS SEVIER,   |             | ) |                     |
|-----------------|-------------|---|---------------------|
|                 |             | ) |                     |
|                 | Plaintiff,  | ) |                     |
|                 |             | ) |                     |
|                 |             | ) |                     |
| vs.             |             | ) | CASE NO. 3:14-01313 |
|                 |             | ) | JUDGE SHARP/KNOWLES |
|                 |             | ) |                     |
|                 |             | ) |                     |
| GOOGLE, et al., |             | ) |                     |
|                 |             | ) |                     |
|                 | Defendants. | ) |                     |

## **REPORT AND RECOMMENDATION**

This matter is before the Court upon a "Motion to Dismiss" filed by Defendant Verizon, whose legal name is Verizon Wireless Tennessee Partnership d/b/a Verizon Wireless. Docket No. 51. The Motion requests that the Court dismiss Plaintiff's claims against Verizon for the reasons stated in Verizon's supporting brief (Docket No. 52), and it also requests "all further relief that the Court may deem appropriate." Docket No. 51, p. 2. Plaintiff has filed a Response in Opposition to the Motion. Docket No. 83.

It is unnecessary to discuss in detail the instant Motion to Dismiss. The Court has recently submitted a Report and Recommendation recommending that a Motion to Dismiss filed by Defendant Dell be granted. Docket No. 210. Dell's Motion was based on an argument that the First Amended Complaint should be dismissed pursuant to Fed. R. Civ. P. 41(b), for Plaintiff's failure to comply with Fed. R. Civ. P. 8.

For the reasons stated in the referenced Report and Recommendation (Docket No. 210), the undersigned recommends that the instant Motion to Dismiss filed by Defendant Verizon

(Docket No. 51) be GRANTED.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. See Thomas v. Arn, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), reh'g denied, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

E. Clifton Knowles

United States Magistrate Judge